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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In RE Application of:      Response to Office Action on July 15, 2005  
Confirmation No.:      4801  
Serial No.:      09/744,799  
Applicant:      SONDERMEIJER, PAULUS ET AL  
Filed:      April 3, 2001  
Group Art Unit:      1648  
Examiner:      Salimi, Ali Reza  
For:      ATTENUATED EQUINE HERPESVIRUS  
Attorney Docket:      J-1998.404 US

December 7, 2005

**Amendment**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

In response to the Office Action issued July 15, 2005, please enter the amendments that follow:

Submitted herewith is a petition and fee to extend the date for responding by two months to December 15, 2005. Accordingly, it is believed that this response was timely filed.

Amendments to the Claims begin on page 2.

Remarks begin on page 5.

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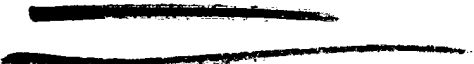
USSN: 09/744,799  
Attorney Docket: 1/98.404 US  
Response to Office Action of July 15, 2005

The rejection regarding written description under 35 USC 112, first paragraph, is respectfully traversed. As set forth above, applicants assert their description is fully enabled. As a separate consideration, it is submitted that applicants have also provided a full description of their invention. As now claimed, applicants invention is directed to equine herpes virus mutants having a mutation in the Immediate Early gene. This is described, in fact the area where the mutation must take place is designated, in the description of the invention on page 4 of the specification. This description continues on through page 8. Furthermore, the invention is described, clearly identifying the possession of the invention in the gene map provided in the figures. Specifically, Example 2, beginning on page 12, describes introducing a deletion modification in the promoter of the Immediate Early gene.

In view of the above is submitted claims 16, 17, 19-27, 29, 30 and 37-43, all the claims presently in the case, are condition for allowance. Favorable action is solicited.


Should the Examiner should consider that a conference would be helpful in advancing the prosecution of this application, he is invited to telephone Applicants' attorney at the number below.

If necessary, the Commissioner is hereby authorized in this concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2334 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17.



USSN: 09/744,799  
Attorney Docket: 1/98.404 US  
Response to Office Action of July 15, 2005

Respectfully submitted,

  
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WMB:jsp

**CERTIFICATE OF FACSIMILE**

I certify that this correspondence is being sent via facsimile on December 7, 2005 to facsimile no. (571) 273-8300 to the attention of Examiner Salimi, Ali Reza, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

